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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,847	03/04/2004	Alexander Kanaris	41066-201700	3857
26694	7590	12/15/2005	EXAMINER	
VENABLE LLP			NICHOLSON III, LESLIE AUGUST	
P.O. BOX 34385			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20045-9998			3651	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/791,847	Applicant(s) KANARIS, ALEXANDER	
	Examiner Leslie A. Nicholson III	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is a FINAL action on the merits of application 10/791847.

Claim Objections

2. Claims 5 and 13 are objected to because of the following informalities:
 - Line 2 appears to have three typographical errors. It appears as though it should read "wherein each of said non-rotatable portions are"
 - Line 1 of claim 13, limitation (b), contains a misspelling. The intended hyphenated word appears to be "non-rotational"Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 18-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation "a few thousandths of an inch" has not been recited in the disclosure. The value 0.04 inches was used as an example, but is a far greater value than a few thousandth of an inch.

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5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 7, 10, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "said first and second stationary shafts" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "said rotatable portions" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim. Perhaps the intended limitation is "said rotatable portion", which there is antecedent basis?

Claim 17 recites the limitation "said first and second generally cylindrical non-rotating portions" in line 4-5 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-17 and 20 (see ¶19), as best understood by the examiner (see ¶4,6), are rejected under 35 U.S.C. 102(b) as being anticipated by Kishimoto 3,268,066.

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Regarding claims 1-12, Kishimoto discloses a similar motorized rotatable conveyor roller comprising:

- Having a rotatable portion (14) and at least one non-rotatable portion (it is clear that while shaft 15 rotates, the bearing 42 is enclosed within an outer generally cylindrical non-rotatable surface in which the bearing can ride between it and the shaft 15)
- Wherein said rotatable portion is disposed intermediate a first and second end non-rotatable portion (fig.3,5)
- Wherein said rotatable portion comprises a rotatable roller tube (16)
- Wherein said roller tube includes a motor (C1/L58-59)
- Wherein each of said non-rotatable portions is axially disposed about a central shaft (37); and said non-rotatable portions each presenting a cylindrical surface having a first and second diameter respectively (inner and outer surface of the race for the bearing)
- Wherein said central shaft comprises a rotatable shaft portion (37) disposed between first and second non-rotatable portions, and wherein said roller tube has a diameter larger than said first and second diameter of said non-rotatable portions (fig.3,5)
- Wherein said first and second stationary shafts (15, and shaft opposite side adjacent 41) (fig.5)
- Wherein one end of said rotatable shaft portion presents a pinion (50) (C1/L65-69)

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- Wherein each of said non-rotatable portions substantially cover the ends of said rotatable portions (fig.5) (the term "substantially" is a relative term)
- Wherein said outer diameter of said rotatable roller tube is adapted to drive a conveyor belt (fig.4)
- Wherein said stationary ends bar access to said rotatable roller tube when said stationary ends are accidentally contacted (fig.3,4,5) (there are points on the stationary ends that when touched, access is barred from the rotatable roller tube)

Regarding claims 13-17, Kishimoto discloses a similar motorized rotatable conveyor roller comprising:

- A hollow drum (14) defining a rotatable supporting surface (16) having a cylindrical shape disposed between first and second generally cylindrical non-rotational surface (fig.3,5)
- Said first and second cylindrical non-rotational surfaces co-axially mounted to first and second spaced apart stationary shafts respectively (15, and shaft on opposite side adjacent 41) (fig.5)
- One end of each of said stationary shafts disposed internally of said hollow drum (fig.5)
- said hollow drum presents an outer diameter greater than the outer diameter of each of said generally cylindrical non-rotational surfaces; whereby said outer diameter of said hollow drum drives said conveyor medium, and where said non-rotational surfaces do not contact said conveyor medium (fig.4,5)

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- said outer diameter of said hollow drum is frictional with said conveyor medium (C1/L14-18)
- said hollow drum includes a rotating shaft (37) co-axially disposed between said stationary shafts
- said hollow drum presents a first end flange and a second end flange (fig.4); and roller bearing means (41-46) disposed between said first and second end flanges and said first and second generally cylindrical non-rotating portions (inner race for the bearings) (fig.5) respectively

Regarding claim 20, Kishimoto discloses a similar method of inhibiting contact with a motorized rotatable conveyor roller (16) driving a conveyor medium (11) by placing said motorized rotatable conveyor roller between opposed generally cylindrical non-rotatable rollers (it is clear that while shaft 15 is rotatable, the bearing 42 is enclosed within an outer generally cylindrical non-rotatable surface in which the bearing can ride between it and the shaft 15), where said motorized rotatable conveyor roller has a diameter so as to contact and drive said conveyor medium, and where said non-rotatable rollers have a diameter less than said motorized rotatable conveyor roller so as to not contact said conveyor medium, and inhibit contacting said rotatable portion (fig.3,4).

Examiner's Note

9. The applicant appears to be attempting to use means plus function in claim 1-20. Does the applicant intend to invoke 35 USC 112 6th paragraph? The examiner has construed this claim as to not invoking 35 USC 112 6th paragraph. See MPEP 2114 and 2181.

While Kishimoto is silent about specifics on the bearings 41-46, it is well known that bearings, especially the ball bearings depicted in fig.3, are bound between an inner and outer race in which the bearings can roll, one generally stationary and one generally rotatable. This is backed up by the bearings depicted in the instant application, which are bound between the rotating shaft and stationary ends.

Response to Arguments

10. Applicant's arguments with respect to claim 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

L.N.
12/12/2005


GENE O. CRAWFORD
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